

CITY OF TIGARD, OREGON

ORDINANCE NO. 04- 02

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.780 TO ALLOW A-FRAME SIGNS WITHIN RESIDENTIAL ZONES, SUBJECT TO SIZE AND PLACEMENT LIMITATIONS, AND TO MODIFY THE AMOUNT OF TEMPORARY SIGNAGE THAT IS ALLOWED.

WHEREAS, the applicant has requested a Zone Ordinance Amendment to amend the language of the Tigard Community Development Code Chapter 18.780 to allow A-frame signs within residential zones, subject to size and placement limitations, and modify the amount of temporary signage that is allowed in low and medium density residential zones; and

WHEREAS, the City of Tigard Planning Commission held a public hearing on January 5, 2004 and by motion modified the amendment so that the size limitation should be reduced from 6 to 4 square feet per face, and should be applied to all types of lawn signs, not just A-frames; and

WHEREAS, the City of Tigard Planning Commission voted in favor of the modified amendment on a 4-2 vote with one member abstaining; and

WHEREAS, the City Council held a public hearing on the request on January 27, 2004 and indicated they were supportive of the proposed development code text change and directed staff to prepare language and an Ordinance for Council review and approval; and

WHEREAS, the City Council determined that the proposed language adequately addressed concerns regarding protecting the health, safety, and welfare of the Tigard citizens, as well as, the interests of business in Tigard; and

WHEREAS, the City Council has considered the applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Policies 1.1.1 and 2.1.1; and Statewide Planning Goals 1 and 2; and

WHEREAS, the City Council has determined that the proposed zone ordinance amendment is consistent with the applicable review criteria and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "EXHIBIT A-1" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 27th day of January, 2004.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 27th day of January, 2004.

C. Dirksen
Craig Dirksen, Mayor

Approved as to form:
Timothy V. Rams
City Attorney

1/27/04
Date

EXHIBIT A-1: Amendment Language

18.780.015 Definitions

1. "A'-~~beard~~ **frame** sign." means any double face temporary rigid sign;

52. Temporary sign. means any sign, ~~[A-beard-frame,]~~ banner, lawn sign or balloon which is not permanently erected or permanently affixed to any sign structure, sign tower, the ground or a building:

a. Balloon - an inflatable, stationary temporary sign anchored by some means to a structure or the ground. Includes simple children's balloons, hot and cold air balloons, blimps and other dirigibles;

b. Banner - a sign made of fabric or other nonrigid material with no enclosing framework;

c. Lawn Sign - **temporary signs placed on private property supported by one stick, post, rod, or A-frame in or on the ground. A lawn freestanding sign in residential zones which is exempt from sign permit requirements provided the size requirements in Subsection 18.780.060 [B2.] can be met. A lawn sign in commercial or industrial zones is subject to temporary permit requirements as provided for in Subsection 18.780.100.**

18.780.060 Permit Exemptions

A. Exemptions from permit requirements. The following signs and operations shall not require a sign permit but shall conform to all other applicable regulations of this chapter and the provisions of Subsection B below:

1. Lawn signs which do not exceed the maximum allowable area on one premise regardless of the number of signs as follows:

a. A total of ~~[12]~~ **24** square feet in the ~~[R-1, R-2, R-3.5, R-4.5, and R-7]~~ **residential** zones.

b. ~~[A total of 24 square feet in the R-12, R-25 and R-40 zones.]~~ **A-frame signs shall be no greater than 6 square feet per face in any residential zone. Lawn signs shall not exceed 12 square feet per face in the R-1, R-2, R-3.5, R-4.5, and R-7 zones. Lawn signs shall be placed on private property and not within the public right of way nor shall such signs obstruct the clear vision area described in Chapter 18.795. A-frame signs are permitted only between the hours of 8 AM and 6 PM.**

2. Signs not oriented or intended to be legible from a right-of-way, other property or from the air;

18.780.100 Temporary Signs

A. Authorization. The Director shall be empowered to authorize temporary signs not exempted by Section 18.780.060 by means of a Type I procedure, as governed by Section 18.390, using approval criteria contained in Section 18.385. The Director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.

B. Expiration.

1. A temporary sign permit shall terminate within 30 days from the date of issuance; and
2. No permit shall be issued for a period longer than 30 days, but a permit may be reissued by the Director for two additional permit periods of 30 days each per calendar year.

C. Types and locations. Types and locations of temporary signs shall be as follows:

1. The total number of temporary signs issued by permit shall not exceed one for any use at any one period of time; such signs are not permitted for single-family and duplex dwellings. **Exempted lawn signs in residential zones are not governed by this provision;**
2. The total area of a temporary sign shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single-family and duplex dwellings. The permitted area for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 24 square feet;
3. See Subsection 18.780.015 A.52 for the types of temporary signs which may be approved;
4. Special event banners to be hung across public right-of-ways may be permitted by the City Manager's designee;
5. A balloon as provided in Subsection 18.780.090 C.

D. Location. The location of a temporary sign requiring a permit shall be as approved by the Director. **Exempted lawn signs shall be placed only on private property, outside of the public right of way, and may not obstruct the clear vision area.**

E. Attachment. Temporary signs may not be permanently attached to the ground, buildings or other structures.

Amendment Language without Markup

18.780.015 Definitions

1. "A-frame sign." means any double face temporary rigid sign;
52. Temporary sign. means any sign, banner, lawn sign or balloon which is not permanently erected or permanently affixed to any sign structure, sign tower, the ground or a building:
 - a. Balloon - an inflatable, stationary temporary sign anchored by some means to a structure or the ground. Includes simple children's balloons, hot and cold air balloons, blimps and other dirigibles;
 - b. Banner - a sign made of fabric or other nonrigid material with no enclosing framework;
 - c. Lawn Sign - temporary signs placed on private property supported by one stick, post, rod, or A-frame in or on the ground. A lawn sign in residential zones is exempt from sign permit requirements provided the size requirements in Subsection 18.780.060 can be met. A lawn sign in commercial or industrial zones is subject to temporary permit requirements as provided for in Subsection 18.780.100.

18.780.060 Permit Exemptions

A. Exemptions from permit requirements. The following signs and operations shall not require a sign permit but shall conform to all other applicable regulations of this chapter and the provisions of Subsection B below:

1. Lawn signs which do not exceed the maximum allowable area on one premise regardless of the number of signs as follows:
 - a. A total of 24 square feet in residential zones.
 - b. A-frame signs shall be no greater than 6 square feet per face in any residential zone. Lawn signs shall not exceed 12 square feet per face in the R-1, R-2, R-3.5, R-4.5, and R-7 zones. Lawn signs shall be placed on private property and not within the public right of way nor shall such signs obstruct the clear vision area described in Chapter 18.795. A-frame signs are permitted only between the hours of 8 AM and 6 PM.
2. Signs not oriented or intended to be legible from a right-of-way, other property or from the air;

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governed by Section 18.390, using approval criteria contained in Section 18.385. The Director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.

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1. A temporary sign permit shall terminate within 30 days from the date of issuance; and
2. No permit shall be issued for a period longer than 30 days, but a permit may be reissued by the Director for two additional permit periods of 30 days each per calendar year.

C. Types and locations. Types and locations of temporary signs shall be as follows:

1. The total number of temporary signs issued by permit shall not exceed one for any use at any one period of time; such signs are not permitted for single-family and duplex dwellings. Exempted lawn signs in residential zones are not governed by this provision;
2. The total area of a temporary sign shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single-family and duplex dwellings. The permitted area for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 24 square feet;
3. See Subsection 18.780.015 A.52 for the types of temporary signs which may be approved;
4. Special event banners to be hung across public right-of-ways may be permitted by the City Manager's designee;
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